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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,357	02/06/2004	Harold Miller	14846-43	8469
28221	7590	09/16/2009		
PATENT DOCKET ADMINISTRATOR LOWENSTEIN SANDLER PC 65 LIVINGSTON AVENUE ROSELAND, NJ 07068			EXAMINER	
			VIZVARY, GERALD C	
			ART UNIT	PAPER NUMBER
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			09/16/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/774,357	<b>Applicant(s)</b> MILLER ET AL.
	<b>Examiner</b> GERALD C. VIZVARY	<b>Art Unit</b> 3696

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 5/11/2009.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-23 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-23 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

1. In the amendment filed 5/11/2009, the following has occurred: claims 1, 10, 12, 21 & 23 have been amended. Now, claims 1-23 are presented for examination.

***Response to Arguments***

2. Applicant's arguments, (see p. 8, lines 11-12, lines 20-21 & p. 9, lines 1 & 2, lines 19-21) filed 5/11/2009, with respect to 1-23 have been fully considered and are persuasive. The rejection of claims 1-23 has been withdrawn.

***Claim Objections***

3. Examiner notes that a system is not a statutory category. 35 U.S.C. 101 reads as follows: Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title. The preambles of claims 1-11 recite a system, which is not a statutory category. However the body of the claim recites a structure which fits the statutory category of machine or apparatus. For clarification Examiner recommends that the preamble be changed to clearly reflect a statutory category of invention.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 USC § 112 2<sup>nd</sup> paragraph. The terms "entities in a business organization", "creating derivatives exposure", "based on", "associated with", "review the derivative trade", "allocate billing information" & "reserve information" in claim 1, are unclear and renders the claims indefinite. The terms "entities", "business organization", "derivatives exposure", "based on", "associated with", "review", "allocate", "reserve" are not defined by the claim, and the specification does not provide a standard for ascertaining the meaning and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention or if at the time the application was filed, had possession of the claimed invention.

Claim 3 is rejected under 35 USC § 112 2<sup>nd</sup> paragraph. The term "reserve amount to set aside" in claim 3 is unclear and renders the claim indefinite. The term "set aside" is not defined by the claim, and the specification does not provide a standard for ascertaining the meaning and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention or if at the time the application was filed, had possession of the claimed invention.

Claim 4 is rejected under 35 USC § 112 2<sup>nd</sup> paragraph. The term "based on" and "estimation of risk" in claim 4 are unclear and render the claim indefinite. The terms "based on" and "estimation" are not defined by the claim, and the specification does not provide a standard for ascertaining the meaning and one

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of ordinary skill in the art would not be reasonably apprised of the scope of the invention or if at the time the application was filed, had possession of the claimed invention.

Claim 5 is rejected under 35 USC § 112 2<sup>nd</sup> paragraph. The terms "special queue", "further review" and "predetermined amount" in claim 5 are unclear and renders the claim indefinite. The term "special", "further" and "predetermined" is not defined by the claim, and the specification does not provide a standard for ascertaining the meaning and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention or if at the time the application was filed, had possession of the claimed invention.

Claim 6 is rejected under 35 USC § 112 2<sup>nd</sup> paragraph. The term "reminder" in claim 6 is unclear and renders the claim indefinite. The term "reminder" is not defined by the claim, and the specification does not provide a standard for ascertaining the meaning and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention or if at the time the application was filed, had possession of the claimed invention.

Claim 8 is rejected under 35 USC § 112 2<sup>nd</sup> paragraph. The term "modifiable" in claim 8 is unclear and renders the claim indefinite. The term "modifiable" is not defined by the claim, and the specification does not provide a standard for ascertaining the meaning and one of ordinary skill in the art would not be

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reasonably apprised of the scope of the invention or if at the time the application was filed, had possession of the claimed invention.

Claim 9 is rejected under 35 USC § 112 2<sup>nd</sup> paragraph. The terms "reserve amount" and "invalid" and "reversed" in claim 9 are unclear and render the claim indefinite. The terms "reserve amount" and "invalid" and "reversed" are not defined by the claim, and the specification does not provide a standard for ascertaining the meaning and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention or if at the time the application was filed, had possession of the claimed invention.

Claim 12 is rejected under 35 USC § 112 2<sup>nd</sup> paragraph. The terms "entities in a business organization", "creating derivatives exposure", "based on", "associated with", "review the derivative trade", "allocate billing information" & "reserve information" in claim 12, are unclear and renders the claims indefinite. The terms "entities", "business organization", "derivatives exposure", "based on", "associated with", "review", "allocate", "reserve" are not defined by the claim, and the specification does not provide a standard for ascertaining the meaning and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention or if at the time the application was filed, had possession of the claimed invention.

Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: how reserve

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information is received, how an entity creating the exposure is identified, how derivative trade and the reserve information are reviewed & how billing information is allocated.

Claim 13 recites the limitation "generating the billing information" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: how billing information is generated & how are workflow queues used to process information.

Claim 14 is rejected under 35 USC § 112 2<sup>nd</sup> paragraph. The terms "reserve information" & "set aside" in claim 14 are unclear and render the claim indefinite. The term "reserve" and "set aside" are not defined by the claim, and the specification does not provide a standard for ascertaining the meaning and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention or if at the time the application was filed, had possession of the claimed invention.

Claim 15 is rejected under 35 USC § 112 2<sup>nd</sup> paragraph. The terms "based on" & "estimation of risk" in claim 14 are unclear and render the claim indefinite. The terms "based on" and "estimation of risk" are not defined by the claim, and the

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specification does not provide a standard for ascertaining the meaning and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention or if at the time the application was filed, had possession of the claimed invention.

Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: how risk is estimated.

Claim 16 is rejected under 35 USC § 112 2<sup>nd</sup> paragraph. The terms "further review" & "exceeds a predetermined amount" & "reserve amount" in claim 14 are unclear and render the claim indefinite. The terms "further review" & "exceeds a predetermined amount" & "reserve amount" are not defined by the claim, and the specification does not provide a standard for ascertaining the meaning and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention or if at the time the application was filed, had possession of the claimed invention.

Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: how the reserve amount is compared with a predetermined amount.

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Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: what constitutes a further review.

Claim 17 is rejected under 35 USC § 112 2<sup>nd</sup> paragraph. The term "reminder" in claim 17 is unclear and renders the claim indefinite. The term "reminder" is not defined by the claim, and the specification does not provide a standard for ascertaining the meaning and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention or if at the time the application was filed, had possession of the claimed invention.

Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: how the reminder is generated.

Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: how the queues are made viewable.

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Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: how the queues are made modifiable

Claim 20 is rejected under 35 USC § 112 2<sup>nd</sup> paragraph. The terms "reversing the reserve amount" and "invalid" in claim 20 are unclear and render the claim indefinite. The terms "reversing the reserve amount" and "invalid" are not defined by the claim, and the specification does not provide a standard for ascertaining the meaning and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention or if at the time the application was filed, had possession of the claimed invention.

Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: how the invoice is generated.

Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: how the profit and loss amounts are posted.

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Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim. Examiner notes that any suitable program storage device currently available or available in the future could be programmed for this method and it is therefore impossible to establish boundaries for the scope of this claim.

Claim 23 is rejected under 35 USC § 112 2<sup>nd</sup> paragraph. The terms "tangibly embodying", "based on", "associated with", "reviewing" and "allocating" in claim 20 are unclear and render the claim indefinite. The terms "tangibly embodying", "based on", "associated with", "reviewing" and "allocating" are not defined by the claim, and the specification does not provide a standard for ascertaining the meaning and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention or if at the time the application was filed, had possession of the claimed invention.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald C. Vizvary whose telephone number is 571-270-3268. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dixon can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-270-4268.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/THOMAS A DIXON/  
Supervisory Patent Examiner, Art Unit 3696

Gerald Vizvary  
Patent Examiner, A.U. 3696  
September 13, 2009